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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,941	08/18/2006	Thomas Pabst	5255-102PUS	2368
27799 7590 11/12/2008 COHEN, PONTANI, LIEBERMAN & PAVANE LLP 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176				
EXAMINER				
AMIRI, NAHID				
ART UNIT		PAPER NUMBER		
3679				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/589,941

Applicant(s)

PABST, THOMAS

Examiner

NAHID AMIRI

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-17 and 21-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-17 and 21-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

In view of Applicant's Amendment received 16 July 2008, amendments to the claims have been entered. Claims 1-12 and 18-20 are canceled. Claims 13-17 and 21-35 are pending.

Claim Rejections - 35 USC § 103

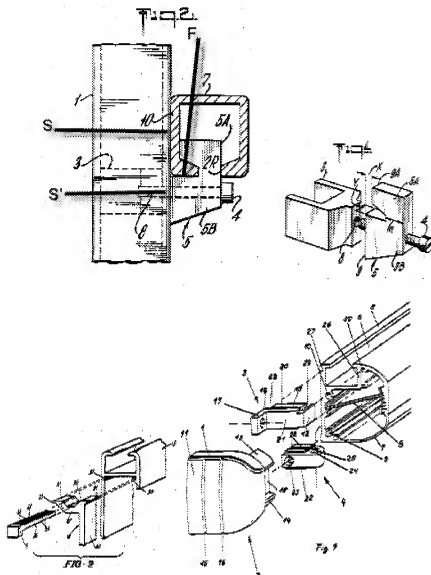
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-17, 21, 24, 27-30, 32, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 3,847,489 Van Riper in view of US Patent No. 3,930,738 Thuss et al. and Patent No. DE 19804801 Dorma GmbH.

With respect to claims 13-16 and 21, Van Riper discloses an attachment device (5, Figs. 2, 4) for a slide channel (2R), the attachment device (5) comprising a clamping piece (5A) insertable into an end of the slide channel (2R); a connecting plate (5B) integrally formed with the clamping piece (5A) and having a bore (6) by which the connecting plate (5B) can be connected to a sub-construction (1), wherein the clamping piece (5A) is inserted into the end of the slide channel (2R), the connecting plate (5B) is disposed outside of the slide channel (2R); wherein the slide channel (2R) has an outside surface (S) facing the sub-construction (1) and the connecting plate (5B) has a first surface (S') which extends flush with the outside surface of the slide channel (2R) when the clamping piece (5A) is inserted into the end of the slide channel (2R); the connecting plate (5B) comprising two opposite lateral surfaces extending orthogonally to the first surface. Van Riper fails to disclose that the clamping piece as having a first outside surface with a first inclined toothing on the first outside surface, and wherein the first toothing

abuts against a first inside surface of the end of the slide channel by press fit so that the clamping piece is detachably interlocked with the slide channel; and the clamping piece having a second outside surface opposite to the first outside surface, and a second inclined toothing on the second outside surface, the end of the slide channel has a second inside surface opposite to the first inside surface, and the second toothing abuts against the second inside surface when the clamping piece is inserted into the end of the slide channel; wherein at least one of the lateral surfaces having at least one of a projection and a recess, and the connecting plate comprising a locking component for clampingly connecting a cover cap which, when the clamping piece is inserted into the end of the slide channel, covers the connecting plate and the end surface of the slide channel; and wherein the at least one recess constitutes the locking component for at least one of a projection of the cover. Thuss et al. teach (Fig. 2) a clamping piece including a first surface having a first inclined toothing (35) on the first outside surface (35) and wherein the first toothing (35) abuts against a first inside surface of the slide channel (2R) by press fit so that the clamping piece is detachably interlocked with the slide channel (2R); and the clamping piece has a second outside surface (36) opposite to the first outside surface (35), and a second inclined toothing (34) on the second outside surface (36), the end of the slide channel (2R) has a second inside surface (31) opposite to the first inside surface (30), and the second toothing (34) abuts against the second inside surface (31) when the clamping piece is inserted into the end of the slide channel (2R). It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the outside surface of clamping piece of Van Riper with first inclined toothing as taught by Thuss et al. in order to grip the inner surface of the sliding channel and prevent any relative movement of the clamping piece with respect to the sliding channel. Dorma GmbH teaches a device having at least one lateral surface (19) having at least one of recess (20) constitutes a locking component, for clampingly connecting a projection of a cover cap (2) which, when a clamping piece (28) is inserted into the end of a slide channel (3) covers a connecting plate (17) and the end surface of the slide channel (3). It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the one of the lateral surfaces of Van Riper with a recess to receive a cap in order to cover the device within the sliding channel.



With respect to claims 17 and 31, Riper discloses (Fig. 4) that the connecting plate (5B) has a stop face (F) which abuts against an end surface of the end of the slide channel (2R) when the clamping piece is inserted into the end of the slide channel (2R).

With respect to claim 24, Riper discloses (column 1, lines 50-51) that the device (5) being comprised of an aluminum material.

With respect to claims 27-30, 32, 34, and 35, Van Riper discloses an attachment device (5, Figs. 2, 4) for a slide channel (2R, the attachment device (5) comprising a clamping piece (5A) insertable into an end of the slide channel (2R); the clamping piece (5A) having a first outside surface; a connecting plate (5B) integrally formed with the clamping piece (5A) and having a bore (6) by which the connecting plate (5B) can be connected to a sub-construction (1), the connecting plate (5B) comprising a first surface which extends flush with an outside surface of the slide channel (2R) when the clamping piece (5A) is inserted into an end of the slide channel; two opposite lateral surfaces extending orthogonally to the first surface. Van Riper fails to disclose a first toothing on the first outside surface; wherein the clamping piece has a second outside surface opposite to the first outside surface, and a second toothing on the second outside surface, and the second toothing abuts against a second inside surface of the end of the slide channel when the clamping piece is inserted into the end of the slide channel the first and second toothing are inclined toothing, wherein the first toothing abuts against a first inside surface of the end of the slide channel by press fit so that the clamping piece is detachably interlocked with the slide channel; and the clamping piece having a second outside surface opposite to the first outside surface, and a second inclined toothing on the second outside surface, the end of the slide channel has a second inside surface opposite to the first inside surface, and the second toothing abuts against the second inside surface when the clamping piece is inserted into the end of the slide channel; wherein at least one of the lateral surfaces having at least one of a projection and a recess, and the connecting plate comprising a locking component for clampingly connecting a cover cap which, when the clamping piece is inserted into the end of the slide channel, covers the connecting plate and the end surface of the slide channel; and wherein the at least one recess constitutes the locking component for at least one of a projection of the cover. Thus et al. teach (Fig. 2) a clamping piece including a first surface (35) having a first inclined toothing on the first outside surface (35) and wherein the first toothing (35) abuts against a first inside surface of the slide channel (2R) by press fit so that the clamping piece is detachably interlocked with the slide channel (2R); and the clamping piece has a second outside surface (36) opposite to the first outside surface (35), and a second inclined toothing (34) on the second outside surface (36), the end of the slide channel (2R) has a second inside surface (31) opposite to the first inside surface (30), and the second toothing (34) abuts against the second inside surface (31) when the

clamping piece is inserted into the end of the slide channel (2R). It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the outside surface of clamping piece of Van Riper with first inclined toothing as taught by Thuss et al. in order to grip the inner surface of the sliding channel and prevent any relative movement of the clamping piece with respect to the sliding channel. Dorma Gmbh teaches a device having at least one lateral surface (19) having at least one of recess (20) constitutes a locking component, for clampingly connecting a projection of a cover cap (2) which, when a clamping piece (28) is inserted into the end of a slide channel (3) covers a connecting plate (17) and the end surface of the slide channel (3). It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the one of the lateral surfaces of Van Riper with a recess to receive a cap in order to cover the device within the sliding channel.

Claims 22 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Riper, Thuss et al. and Dorma Gmbh as applied to claims 13-17, 21, 24, 27-30, 34, and 35 above, and further in view of US Patent No. 6,305,117 B1 Hales, Sr.

With respect to claims 22 and 33, Van Riper discloses the claimed invention except for the bore has an oblong shaped cross section. Hales, Sr. teaches a base (Fig. 8) has an oblong shaped bore (120). It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the bore of Van Riper with an oblong shaped as taught by Hales, Sr. in order to allow easy tightening and loosening of the screw.

Claims 23, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Riper, Thuss et al. and Dorma Gmbh as applied to claims 13-17, 21, 24, 27-30, 34, and 35 as applied to claims 13-19 and 24 above, and further in view of US Patent No. 6,789,832 Gort.

With respect to claims 23, 25, and 26, Van Riper discloses the claimed invention except for the device, being comprised of a plastic, zinc or die casting material, Gort teaches a device (34, column 5, lines 13-17) made from plastic, zinc die casting. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the device of Van Riper made from a plastic, zinc or die casting material as taught by Gort in order for the device

to have sliding, spring biased movement within a cavity of the base portion and for retaining article interface portion and any articles that may suspended therefrom or attached thereto.

Response to Arguments

Applicant's arguments filed 16 July 2008 have been fully considered but they are not persuasive.

At the outset and with respect to Applicant's remarks at the bottom of page 7 concerning unspecified "drawing objections", it should be noted that the Examiner erred in checking the wrong box on the form PTO-326. The form PTO-326 included herewith now correctly indicates that the drawings are accepted. The Examiner wishes to thank Applicant for bringing this error to her attention and regrets any concern that may have been caused as a result of the error.

Applicant's remarks with respect to the Section 112 rejection of claim 13 are persuasive. Therefore, the Examiner has withdrawn the Section 112 rejection.

With respect to claim 13, Applicant argues that the first reference, Van Riper, fails to disclose a number of claim features and the second reference, Thuss et al, fails to teach a clamping piece "having a first outside surface and first toothing on the first outside surface" because neither the serrations (34) nor the fastener (19) in Thuss et al are to be in contact with the ribs (30, 31) in the anchoring position. Instead, it is asserted that the fastener (19) is positioned inside the V-shaped recess of the clip member (18) and serves to grip web member (33) and the clip member (18) to prevent any relative movement thereof. Further, Applicant argues that Dorma GmbH does not cure the deficiencies of Van Riper because it was merely applied for its teaching of a locking component. These arguments are not persuasive for the reasons given below.

Applicant's argument appears to be that there is no suggestion to combine the references of Van Riper, Thuss et al, and Dorma GmbH. In response, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that

a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). Furthermore, references are evaluated by what they fairly suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, 163 USPQ 545 (CCPA) 1969. Therefore, as advanced above, the Thuss et al. reference is relied upon to teach a first surface having a first toothing (35) which grips the inner surface of the sliding channel and prevents any relative movement of the clamping piece with respect to the sliding channel while the reference Dorma GmbH is relied upon to teach a locking component for connecting two members together and this combination of references renders the claims unpatentable.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The examiner can normally be reached on 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nahid Amiri
Examiner
Art Unit 3679
November 6, 2008

/Daniel P. Stodola/
Supervisory Patent Examiner, Art Unit 3679